

1                                   **TOWN OF EXETER**  
2                                   **PLANNING BOARD**  
3                           **NOWAK ROOM – TOWN OFFICE BUILDING**  
4                                   **10 FRONT STREET**  
5                                   **OCTOBER 13, 2022**  
6                                   **7:00 PM**  
7                                   **APPROVED MINUTES**

8 **I. PRELIMINARIES:**

9  
10 **BOARD MEMBERS PRESENT BY ROLL CALL:** Chair Langdon Plumer, Vice-Chair Aaron Brown,  
11 Pete Cameron, Clerk, Gwen English, John Grueter, Jennifer Martel, Nancy Belanger Select Board  
12 Representative, Alternate Robin Tyner and Alternate Dan Chartrand.

13  
14 **STAFF PRESENT:** Town Planner Dave Sharples

15  
16 **II. CALL TO ORDER:** Chair Plumer called the meeting to order at 7:00 PM and introduced the  
17 members.

18  
19 **III. OLD BUSINESS**

20  
21 **APPROVAL OF MINUTES**

22  
23 September 22, 2022

24  
25 Ms. Belanger recommended edits.

26  
27 ***Mr. Grueter motioned to approve the September 22, 2022 meeting minutes as amended. Mr.***  
28 ***Cameron seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.***

29  
30 **IV. NEW BUSINESS**

31 **PUBLIC HEARINGS**

- 32  
33 **1.** The request by W. Scott Carlisle, III for a compliance hearing on the conditional approval granted by  
34 the Planning Board on August 24, 2017 for the proposed subdivision, on an existing 10+/- acre parcel  
35 located off of Epping Road, into three parcels.  
36 I-Industrial zoning district  
37 Tax Map Parcel #40-12  
38 Case #17-26

39  
40 Chair Plumer read out loud the Public Hearing Notice.

41 Town Planner Dave Sharples summarized the history of the 2017 conditional approval and the  
42 extensions, Tiff Road and cover letter and supporting documents from September 27, 2022 as well  
43 as yesterday afternoon's email from DTC Lawyers dated October 12, 2022. He noted the Town's  
44 land use attorney, David LeFevre, was also present and that the Board would be going into private  
45 discussions with him to discuss his opinions on the letter.

46  
47 Chair Plumer indicated the Board would recess at 7:11 PM.

48  
49 The meeting room was closed to the public.

50  
51 The Board returned at 7:28 PM and Chair Plumer called the meeting back to order.

52  
53 Barry Geier of Jones & Beach presented the request for Mr. Carlisle who he noted was present along  
54 with his attorney Russell Hilliard of Upton & Hatfield. Mr. Geier noted that the subject property is a  
55 three-lot subdivision at the end of Ray Farm Road. Condition #2 concerned the unbuilt portion of  
56 road.

57  
58 Chair Plumer opened the meeting to the public for comments and questions at 7:29 PM.

59  
60 Chris Hilson of DTC Lawyers indicated he represented CKT Assoc., abutters to the west. He indicated  
61 their letter registers their objection to approval. He opined that the 2017 approval is void as it  
62 proposes to dedicate a public road across his client's property, who is not a named applicant, who  
63 did not give authority to develop a public road across his property. Application requirements  
64 require all owners of record to be listed in the application. He referenced a Tiff Agreement with the  
65 Town of Exeter. He noted the Town sued his client and that action is still pending in Rockingham  
66 Superior Court. He stated that only two pages of a 14-page plan set were provided to the Board. He  
67 handed out the 14-page plan set to the Board. He indicated the road on the ROW. He referenced  
68 sheet C1.51, plan view B at the lower left and stated the roadway is not being built in the footprint  
69 of the ROW whereas grading and erosion controls are located outside the ROW on his client's  
70 property, who did not approve this and there is no stamp on the plan and other, many, legal issues  
71 including crossing Watson Brook, which needs a CUP not applied for or garnered.

72  
73 Attorney Russ Hilliard, representing Mr. Carlisle, noted plans prepared by Mr. Shafmaster's engineer  
74 with application with Tiff, point #4, referencing the easement, #5 the authority of the road design  
75 plan in 2017 at the time when plans didn't yet exist and were done after the 2017 conditional  
76 approval. He referenced point #6 noticing abutters complied with the statute. He noted the claim  
77 that Mr. Shafmaster didn't know rings hollow as he was on the Tiff Advisory Board from the get go.

78  
79 Mr. Cameron noted this information was a lot to digest on short notice and reserved the right to ask  
80 questions after he had thoroughly reviewed the information.

81  
82 Mr. Sharples noted that Mr. Shafmaster's involvement in the Tiff funding, wanting to get his own  
83 development started. The Town reimbursed and paid for the plans, the public paid for them. The  
84 Planning Board always contemplated the Tiff would be public.

85  
86 Attorney Hilson stated there was no assurance that this Tiff Road was going to be built at the time  
87 and stated the Town did not pay for these plans according to Mr. Shafmaster.

88  
89 Mr. Sharples noted that CKT was complaining of the same advantage they took for their approval.  
90 The Tiff Road was not designed when Wiley Creek got their final approval.

91  
92 Attorney Hilson stated that what is being proposed now is a public road on an easement  
93 appurtenant (private easement). There is still doubt whether it will need a CUP and a Shoreland  
94 CUP. The Tiff Agreement was flexible on location.

95  
96 Attorney Hilliard stated that in August of 2017 the plan approved refers to this as Town of Exeter Tiff  
97 Road.

98  
99 Chair Plumer closed the hearing to the public at 7:51 PM.

100  
101 Vice-Chair Brown asked to reopen the public hearing which Chair Plumer did.

102  
103 Vice-Chair Brown encouraged those wanting to do so, to speak as when the hearing is closed to the  
104 public they will lose that opportunity.

105  
106 Being none, Chair Plumer closed the hearing to the public at 7:52 PM.

107  
108 ***Vice-Chair Brown motioned to continue the hearing to November 10, 2022 at 7:00 PM to benefit***  
109 ***from advice of legal counsel. Ms. Belanger seconded the motion. A vote was taken, all were in***  
110 ***favor, the motion passed unanimously.***

## 111 V. OTHER BUSINESS

- 112 • Discussion on proposed town-wide rezoning

113  
114 Nate Kelly presented the first draft of the rezoning plan. He noted they looked at the  
115 functions of the existing zoning districts as well as sustainability, environmental  
116 concerns looking ahead 50 years and at impacts of utility and water service. They drove  
117 around as many areas as they could looking at density, diversity and commercial areas.  
118 There are 18 districts existing now and they propose to reduce the number of districts  
119 to nine.

120  
121 The existing non-conformities would be reduced to make things easier for owners who  
122 have to jump through hoops to do anything such as putting in patios or pools and are  
123 coming in for variances or special exceptions constantly. The districts can be  
124 consolidated to build in flexibility. He showed the plan of the proposed districts noting  
125 it is still a work in progress that will be brought back before the Board. The commercial  
126 zones can be consolidated and the wetlands that are undevelopable areas were taken

127 out. He discussed the RT or residential transition district which is a diverse mix with  
128 walkability and opportunity for growth without visual disruption in a neighborhood with  
129 character from being century old. There are no plans to dig into the sign ordinance  
130 right now, that can be later housekeeping.

131  
132 Ms. Belanger asked how she could get copies of the map. Vice-Chair Brown asked if it  
133 would be on the Town website. Mr. Sharples noted at some point, but this is conceptual  
134 not final and would have public outreach and feedback when there is something ready  
135 to show them.

136  
137 Chair Plumer asked the impact to his property when zoning changes. Mr. Sharples  
138 indicated the goal is to not reduce what an owner can do.

139  
140 Mr. Sharples addressed the non-typical lot sizes and adjusting setbacks. For example  
141 with an 8100 SF lot which is 80% of typical, the setback could be likewise on a sliding  
142 scale. Commercial uses in neighborhoods could be captured so they could expand  
143 without jumping through hoops at multiple boards.

144  
145 Mr. Sharples discussed residential conversions allowed to SFH by Special Exception and  
146 also not promoting areas that are not served by water and sewer, at least sewer.

147  
148 Vice-Chair Brown and Chair Plumer thanked Mr. Sharples and Horsley Witten for their  
149 work and for presenting the proposal.

150  
151 Mr. Cameron noted that a lot of residents don't understand what zoning is to begin with  
152 and the education piece will be important. Ms. Martel agreed that this will eventually  
153 go to a vote and is a huge change, people don't like change. Mr. Sharples noted there is  
154 only a couple of months to finalize for Warrant Article for the 2023 timeline and may get  
155 pushed to 2024.

- 156  
157 • Master Plan Discussion  
158  
159 • Field Modifications  
160  
161 • Bond and/or Letter of Credit Reductions and Release  
162

163 Mr. Sharples reported the bond for Primrose School had been released after vegetation  
164 was established.  
165

166 **VIII. TOWN PLANNER'S ITEMS**

167 **IX. CHAIRPERSON'S ITEMS**

168 **X. PB REPRESENTATIVE’S REPORT ON “OTHER COMMITTEE ACTIVITY”**

169 **XI. ADJOURN.**

170 *Vice-Chair Brown motioned to adjourn the meeting at 8:54 PM. Ms. Belanger seconded the motion.*

171 *A vote was taken all were in favor, the motion passed 7-0-0.*

172

173 Respectfully submitted,

174 Daniel Hoijer,

175 Recording Secretary

176 Via Exeter TV